EA

UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/930,676	08/14/2001	Larry Lunetta	04565.P001X	3994

7590   06/08/2005

Andre L. Marais
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025-1026

EXAMINER
NGUYEN, CUONG H

ART UNIT	PAPER NUMBER
3661	

DATE MAILED: 06/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>*25 May 2005*</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30 and 61* is/are pending in the application.

　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30 and 61* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　a)☐ All b)☐ Some * c)☐ None of:

　　1.☐ Certified copies of the priority documents have been received.

　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　 Paper No(s)/Mail Date <u>052505</u>.

4) ☒ Interview Summary (PTO-413)
　 Paper No(s)/Mail Date. <u>052505</u>.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   This Office Action is the answer to the communication on 5/25/2005.

2.   Claims 1-30, and 61 are pending in this application. Claims 31-60, and 62 are

canceled on 8/09/2004.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office Action:

> *(a) A patent may not be obtained though the invention is not identically disclosed or described*
> *as set forth in section 102 of this title, if the differences between the subject matter sought to be*
> *patented and the prior art are such that the subject matter as a whole would have been obvious*
> *at the time the invention was made to a person having ordinary skill in the art to which said*
> *subject matter pertains. Patentability shall not be negatived by the manner in which the*
> *invention was made.*

3.   Claims 1-2, 10-11, 13, 19, 24-25, 61 are rejected under 35 U.S.C. § 103(a) as

being unpatentable over Sherman (US Pat. 4,931,929), in view of Halliday et al. (US

Pat. 5,880,740).

Sherman suggests a computer-implemented method to price a product, including:

- generating a user interface that facilitates input of specification information, and

storing those information (see Sherman, the abstract) concerning the promotional

product, the specification information including product information identifying a base

product to be decorated and decoration manufacturing process information identifying a

process whereby a decoration is applied to the base product – please note that claimed

particular information in claim 1 are merely non-functional descriptive material that do

not contribute to a claimed step of pricing a product;

Sherman obviously receives requested information (see Sherman, the abstract –

please note that a particular <u>information</u>, such as information concerning to a promotional

product, decoration position information, decoration manufacturing process information etc., - merely non-functional descriptive material that do not distinguish from prior art because they do not contribute to core steps of pricing a product), including decoration charges as extra optional practices (it is obvious to one with ordinary skill in the art that it is easy to obtain a total cost if a service per unit area are performed – such as interior design service of Sherman).

Sherman does not disclose about automatically calculating a unit price for the promotional product utilizing the product/pattern information and the decoration manufacturing process information, wherein the user interface further provides a visual representation of the promotional product.

However, Halliday et al. obviously suggest about automatically determining/calculating a price for a product/service from a database/Look-Up-Table (see Halliday et al., Fig.10 client computer 111 has a capability to calculating/generating a price for a product based on a well-known LUT); and that product is displayed after uploading to a server (e.g., providing a visual representation of detail information) on a computer monitor screen (see Halliday et al., the abstract, and Fig.10).

The examiner respectfully submits that it is old to:

- add a tax charge to a transaction (for a completed information – e.g., paying for meals in a restaurant).

- includes a shipping charge for an order.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Sherman, Halliday et al., and related information to automatically aggregate all cost/price for a specific/promotional product from a database,

and displaying that sum to a user instead of the user spending time and effort to calculate a total price for said product.

4.   Claims 27-29 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Sherman (US Pat. 4,931,929), in view of Halliday et al. (US Pat. 5,880,740), in view of Goldberg et a. (6,196,146), and in view of Mikurak (US Pat. 6,606,744).

The rationales and references for a rejection of claims 26 are incorporated.

A. <u>As to claim 27</u>: Sherman, Halliday et al., and Goldberg et al. do not disclose generating a quote to presents a unit charge of a product.

However, Mikurak teaches that idea in Detailed Description Text portion (paragraph 601): "QUOTE OF PRICE AND AVAILABILITY Displays list price Displays promotional pricing based on product Displays promotional pricing based on user Displays user specific pricing Handles multiple currency Provides general availability Provides user specific availability Saves quote to be retrieved and maintained at later point Adapts pricing for geographic markets Passes quotes to channel partners Determines credit available and terms Provides web call-through for non-standard pricing".

B. <u>As to claims 28-29</u>: Sherman, Halliday et al., and Goldberg et al. do not disclose generating a quote to presents a unit charge, a decoration charge, the setup charge, a tax charge and a shipping charge of a product.

However, the examiner respectfully submits that it is an old practice to:

- add a tax charge to a transaction (for a completed information – e.g., paying for meals in a restaurant).

- includes a shipping charge for an order.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Sherman, Halliday et al., and Schwab to presents a list of base products via a user interface, and facilitates user selection of the base product from a list of base products for a user's convenience in selection an available product.

5.   **Claims 8-9, are rejected under 35 U.S.C. § 103(a) as being unpatentable over Sherman (US Pat. 4,931,929), in view of Halliday et al. (US Pat. 5,880,740), further in view of Schwab (US Pat. 6,226,412).**

The rationales and references for a rejection of claims 1 and 11 are incorporated.

Sherman and Halliday et al. do not disclose that a user interface presents a list of base products and facilitates user selection of the base product from the list of base products.

However, the examiner respectfully submits that Schwab uses a computer screen (a user interface) to present options such as a list of available products for selections (see Schwab, 3:28-33).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Sherman, Halliday et al., and Schwab to presents a list of base products via a user interface, and facilitates user selection of the base product from a list of base products for a user's convenience in selection an available product.

6.   **Claims 3-7, 10, 12, 14-18, 20-23, 26, and 30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Sherman (US Pat. 4,931,929), in view of Halliday et al. (US Pat. 5,880,740), and in view of Goldberg et a. (6,196,146).**

The rationales and references for a rejection of claim 1 are incorporated.

A. <u>As to claims 3, 6, 16</u>:   Sherman also applies a user interface for visual applications (see

Sherman, Fig.3, refs.500-700; please note that a user interface is merely an I/O device

such as a keyboard/a monitor screen, facilitating is merely an intent of use).

B. <u>As to claims 4-5, 11, 14-18, 20-23</u>:   Sherman, Halliday et al., and Schwab do not

disclose that a decoration manufacturing process is an embroidery manufacturing process

that is selected for uploading, and the decoration price per unit area is based upon an

average number of stitches per unit area.

However, Goldberg et al. suggest a decoration process includes an embroidery

process (e.g., a decorative image/pattern/type, see Goldberg et al., 1:45-58), and

determine/modify selectable embroidery location/area/grid/size for selected garment (see

Goldberg et al., claim 1). The examiner respectfully submits that it is old and well-known

that for a fancy floor design, a brick layer services is priced by a unit area then storing

those data for later use; this is analogous that a decoration price per unit area is based

upon an average number of stitches per unit area.

Using Goldberg et al.'s information as above, Halliday et al. are able to

automatically determining/calculating a unit price for a particular product/service (see

Halliday et al., Fig.10 client computer 111 has a capability to calculating/generating a unit

price for a particular product).

C. <u>As to claims 26</u>:   The examiner respectfully submits that it is old to:

- includes a setup charge, a shipping charge and a tax charge for an order for a

completed information.

D. As to claims 12, 16: Sherman and Halliday et al. also do not disclose about identifying occupied pixels, and determining a certain decoration area.

However, the examiner respectfully submits that identifying required pixels is similar to find a resolution of display dot per area (this has been defined in dictionary), and Goldberg et al. determine a decorated zone/area/size (see Goldberg et al., claim 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Sherman, Halliday et al., and Goldberg et al. to suggest that a decoration manufacturing process is an embroidery manufacturing process, and the decoration price per unit area is based upon an average number of stitches per unit area because an average cost for decorating a piece of work is analogous to a price cost of laying bricks in a design.

Conclusion

7.   Claims 1-30, and 61 are not patentable.

8.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose telephone number is 571-272-6759. The examiner can normally be reached on 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THOMAS G. BLACK can be reached on 571-272-6956. The Rightfax number for the organization where this application is assigned is 571-273-6759.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Please provide support, with page and line numbers, for any amended or new claim in an effort to help advance prosecution; otherwise any new claim language that is introduced in an amended or new claim may be considered as new matter, especially if the Application is a Jumbo Application.

CUONG H. NGUYEN
Primary Examiner
Art Unit 3661

8